

Docket No.: FP-IU 3610

Applicants: Barber et al.

International Application No.: PCT/US98/01196

Filed: 21 January 1998

For: GENE FUNCTIONAL ANALYSIS AND DISCOVERY USING RANDOMIZED
OR TARGET-SPECIFIC RIBOZYME GENE VECTOR LIBRARIES

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C))**

SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified
below:

☒ an official of the small business concern empowered to
act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: IMMUSOL INCORPORATED
ADDRESS OF SMALL BUSINESS CONCERN: 3050 Science Park Road
San Diego, California
92121

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal

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year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **GENE FUNCTIONAL ANALYSIS AND DISCOVERY USING RANDOMIZED OR TARGET-SPECIFIC RIBOZYME GENE VECTOR LIBRARIES** by inventors Jack Barber, Peter Welch, Soonpin Yei and Richard Tritz as described in

☐ the specification filed herewith
☒ U.S. National Phase of International Application No.
PCT/US98/01196, filed 21 January 1998
☐ patent no. , issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

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*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME:

ADDRESS:

- ☐ INDIVIDUAL
- ☐ SMALL BUSINESS CONCERN
- ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing

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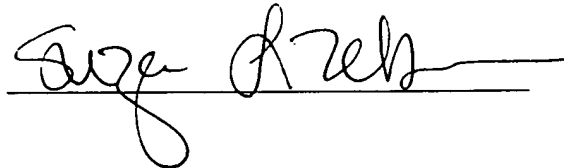
Filed: 21 January 1998

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thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Suzanne L. Zebedee
TITLE IN ORGANIZATION: Vice President, Business Development
ADDRESS OF PERSON SIGNING: 3050 Science Park Road
San Diego, California 92121

SIGNATURE:

A handwritten signature in cursive script, appearing to read 'Suzanne L. Zebedee', written over a horizontal line.

DATE:

July 22, 1999

DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **GENE FUNCTIONAL ANALYSIS AND DISCOVERY USING RANDOMIZED OR TARGET-SPECIFIC RIBOZYME GENE VECTOR LIBRARIES**, the specification of which

_____ is attached hereto as Attorney Docket No. _____.
 X was filed on July 23, 1999, as Application Serial No. 09/355,221
(Attorney Docket No. P-IU 3610)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

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or (2) It refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (ii) Asserting an argument of patentability.

I hereby claim foreign benefits under Title 35, United States Code 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or under 365(a) of any PCT international application which designated at least one country other than the United States of America listed below.

| <u>Prior Foreign Application Nos.</u> | <u>Country</u> | <u>Foreign Filing Date</u> |
|---------------------------------------|----------------|----------------------------|
| PCT/US98/01196 | PCT | 21 January 1998 |

I hereby claim the benefit under Title 35, United States Code, §119(e) of the United States application listed below.

| <u>Application Serial No.</u> | <u>Filing Date</u> | <u>Status</u> |
|-------------------------------|--------------------|---------------|
| 60/037,352 | 23 January 1997 | Abandoned |

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and

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the national or PCT international filing date of this application.

| <u>U.S. Parent Application or PCT Parent Number</u> | <u>Parent Filing Date</u> | <u>Parent Patent Number</u> |
|---|---------------------------|---------------------------------|
| PCT/US98/01196 | January 21, 1998 | NA |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Jack R. Barber

Inventor's signature: Jack R. Barber

Date: 10/14/99

Residence: San Diego, California

Citizenship: United States

Post Office Address: 11987 Canridge Place
San Diego, California 92128

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Filed: July 23, 1999
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Full name of second inventor: Peter Welch

Inventor's signature: Peter Welch

Date: 10/14/99

Residence: San Diego, California

Citizenship: United States

Post Office Address: 4689 East Talmadge Drive
San Diego, California 92116

Full name of third inventor: Soonpin Yei

Inventor's signature: Soonpin Yei

Date: 10/18/99

Residence: Carlsbad, California

Citizenship: ~~Japan~~ United States (S4S1)

Post Office Address: 7707 Sitio Musica
Carlsbad, California 92009

Full name of fourth inventor: Richard Tritz

Inventor's signature: Richard Tritz

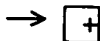
Date: 10/14/99

Residence: San Diego, California

Citizenship: United States

Post Office Address: 9515 Genesee Avenue
San Diego, California 92121

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|--|------------------------|-----------------|
| REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT | Applicati n Number | 09/355,221 |
| | Filing Date | 07-23-1999 |
| | First Named Invent r | Jack R. Barber |
| | Group Art Unit | 1643 |
| | Examiner Name | C. Wilder |
| | Attorney Docket Number | 016556-003000US |

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application

☒ A Power of Attorney or Authorization of Agent is submitted herewith.

AND/OR

☒ Please change the correspondence address for the above-identified application to:

☐ Customer Number 20350



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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|--|
| Name | Immusol, Incorporated By: Tsvi Goldenberg, Ph.D., Chairman & CEO |
| Signature | |
| Date | January 23, 2002 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
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| | | |
|--|-------------------------------|--|
| POWER OF ATTORNEY OR AUTHORIZATION OF AGENT | Application Number | 09/355,221 |
| | Filing Date | 07-23-1999 |
| | First Named Inventor | Jack R. Barber |
| | Title | Gene Functional Analysis and Discovery Using Randomized or Target-Specific Ribozyme Gene Vector Libraries |
| | Group Art Unit | 1643 |
| | Examiner Name | C. Wilder |
| | Attorney Docket Number | 016556-003000US |

I hereby appoint:

☒ Practitioners at Customer Number **20350** → **Place Customer Number Bar Code Label here**

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

☐ Practitioners at Customer Number **20350** →

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| City | | State | | ZIP | |
| Country | | | | | |
| Telephone | | Fax | | | |

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|--|
| Name | Immusol, Incorporated By: Tsvi Goldenberg, Ph.D., Chairman & CEO |
| Signature | |
| Date | January 23, 2002 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, as below*.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Jack R. Barber, et al.Application No./Patent No.: 09/355,221Filed/Issue Date: 07-23-1999Entitled: GENE FUNCTIONAL ANALYSIS AND DISCOVERY USING RANDOMIZED OR TARGET-SPECIFIC
RIBOZYME GENE VECTOR LIBRARIESImmusol, Incorporated, a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8952, Frame 0730, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE:] A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

January 23, 2002

Date



Signature

Tsvi Goldenberg, Ph.D.

Typed or printed name

Chairman & CEO

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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